ORDINANCE NO. 2445 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTRICAL EASEMENT IN FAVOR OF SALT RIVER PROJECT WITHIN THE RIGHT-OF-WAY FOR 99TH AVENUE, SOUTH OF BETHANY HOME ROAD TO ACCOMMODATE THE CONSTRUCTION OF THE BETHANY HOME ROAD TRAFFIC INTERCHANGE OF THE LOOP 101; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves the easement and all the terms and conditions thereto and directs that the City Manager for the City of Glendale execute said document granting Salt River Project an easement upon, across, over and under the surface of certain property located within existing City property, in the form attached hereto as Exhibit A. The legal description is contained in the Easement.

SECTION 2. That the City hereby reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by Salt River Project of the rights granted hereunder; provided, however, that the City shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of Salt River Project.

SECTION 3. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 14th day of June, 2005.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

Pam Kavanagh for

City Manager

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

EASEMENT

Maricopa County
99th Ave. Right of Way

R/W #1215 Agt. JML
Job #XA3-3613
W C _____

CITY OF GLENDALE,
an Arizona municipal corporation,

hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT,** an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors, and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel"), to construct, install, reconstruct, replace, remove, repair, operate and maintain a line or lines of poles, towers, or other supporting structures and conductors or cables suspended thereon and supported thereby, and underground conduits, conductors, pipes, cables, vaults, manholes, guys, anchorage, crossarms, braces, transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity, and for all other purposes connected therewith and for the transmission and distribution of telephone, audio and/or visual signal and other communication or data transmission purposes at such locations and elevations, in, upon, over, under, across and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property and with the right to use lands adjacent to said easement during temporary periods of construction. Grantee is hereby authorized to permit others to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of the Northwest Quarter of Section 16, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona.

Easement Parcel:

SEE EXHIBIT "A" ATTATCHED HERETO AND MADE A PART HEREOF BY REFERENCE

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation. Notice is also hereby given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, Arizona Revised Statutes 40-360.41-45.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right to construct, modify and maintain access openings at such locations and of such dimensions as solely determined by Grantee in walls or fences within the Easement Parcel. Grantor shall, at its expense, provide Grantee openings, at such locations and of such dimensions as solely determined by Grantee in future walls or fences within the Easement Parcel. Grantor shall have the right to install gates across said openings and Grantor and Grantee shall have the right to use said gates, provided that any locked gates be subject to joint access by Grantor and Grantee by provision of a multiple locking device.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Parcel for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Facilities, or endanger any of the Facilities or the use thereof.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

IN WITNESS WHEREOF, **CITY OF GLENDALE,** an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this _____ day of _____, 20_____.

APPROVED AS TO FORM:

_____
Craig Tindall, City Attorney

CITY OF GLENDALE, an Arizona municipal corporation

_____
By: Ed Beasley, City Manager

ATTEST:

_____
Pamela Hanna, City Clerk

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this _____ day of _____, 20____, by Ed Beasley and Pamela Hanna, City Manager and City Clerk, respectively, of the **CITY OF GLENDALE**, a municipal corporation of the State of Arizona.

_____
Notary Public

My Commission Expires:

_____

_____
(Notary Stamp/Seal)

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

69kv OH&UG MASTER
Approved Greg More, SRP/03/05-jcm
Cimage/

EXHIBIT A
Legal Description
Proposed SRP Easement

A parcel of land being 20.00 feet in width lying 10.00 feet each side of and parallel with the following described centerline, located in the Northwest Quarter of Section 16, Township 2 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Northwest Corner of said Section 16, a Maricopa County Brass Cap flush, from which the North Quarter Corner of said Section 16, the position of which is established from Reference Monuments according to Bk. 699, Pg. 26 of the Maricopa County Records (M.C.R.), bears N86°40'08"E, a distance of 2647.64 feet;
THENCE along the North line of the Northwest Quarter of said Section 16, N86°40'08"E, a distance of 78.13 feet;
THENCE leaving said North line, S03°19'52"E, a distance of 37.93 feet to the South line of the Grand Canal Right-of-Way according to the Plat recorded on December 12, 1975 in Bk. 181, Pg. 47, M.C.R., and the **TRUE POINT OF BEGINNING;**

THENCE leaving said South line, S00°53'38"W, a distance of 258.39 feet;

THENCE S07°16'22"W, a distance of 244.88 feet;

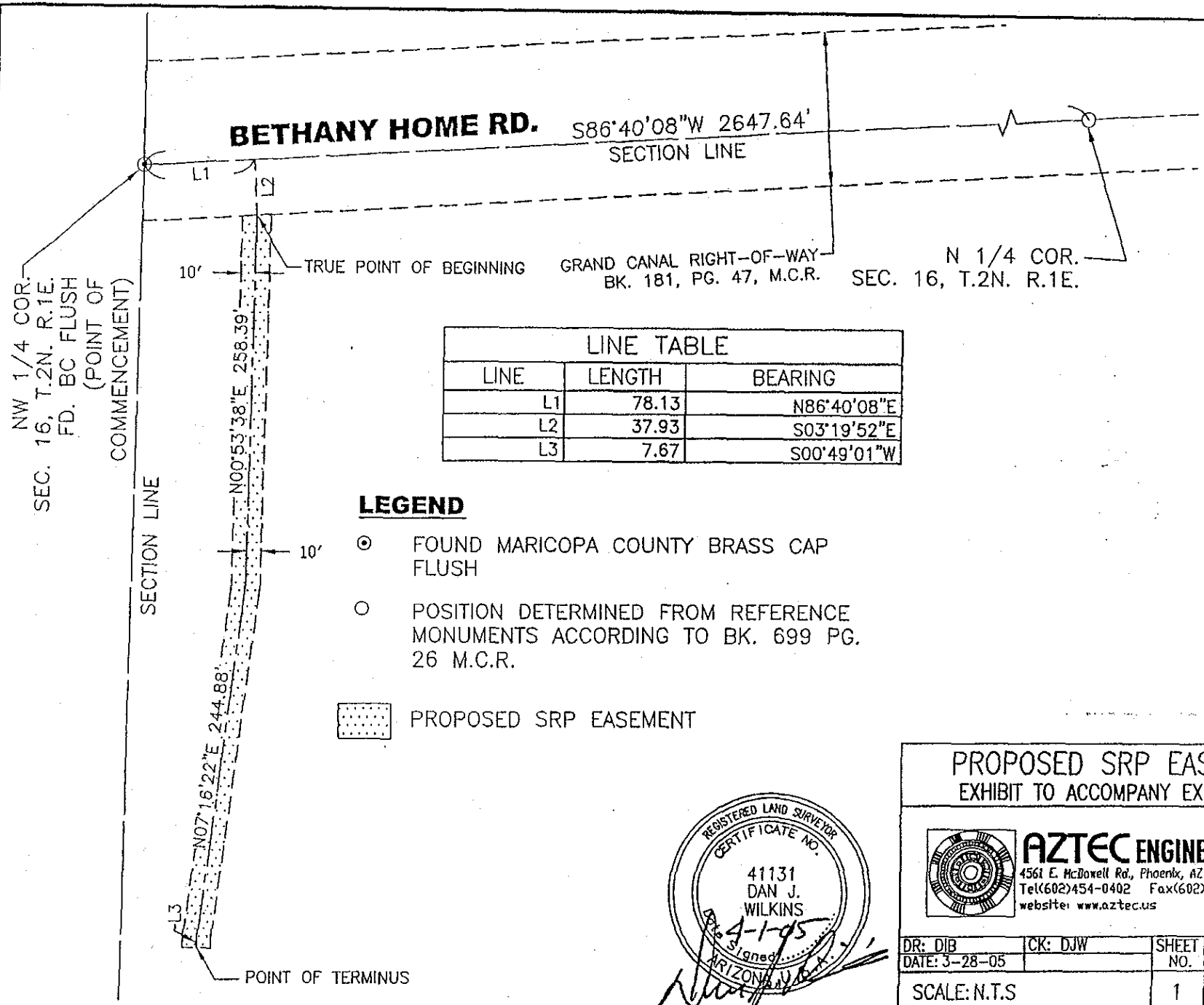
THENCE S00°49'01"W, a distance of 7.67 feet to the **POINT OF TERMINUS.**

The sidelines of said parcel shall be prolonged or foreshortened so as to end at said South line and at a point perpendicular to the Point of Terminus.

Containing 0.23 Acres (10,218 sq. feet), more or less.

This Description is located within an area surveyed by AZTEC during the month of April, 2004 and is also based on client provided information. Monumentation as noted in this Description is within acceptable standards (as defined in "Arizona Boundary Survey Minimum Standards") based on said Survey.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
41131
DAN J.
WILKINS
Date 4-1-05
Signed
ARIZONA, U.S.A.



LINE TABLE		
LINE	LENGTH	BEARING
L1	78.13	N86°40'08"E
L2	37.93	S03°19'52"E
L3	7.67	S00°49'01"W

LEGEND

- ⊙ FOUND MARICOPA COUNTY BRASS CAP FLUSH
- ○ POSITION DETERMINED FROM REFERENCE MONUMENTS ACCORDING TO BK. 699 PG. 26 M.C.R.
- PROPOSED SRP EASEMENT

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
41131
DAN J.
WILKINS
Date Signed 4-1-05
ARIZONA, U.S.A.

PROPOSED SRP EASEMENT
EXHIBIT TO ACCOMPANY EXHIBIT "A"

AZTEC ENGINEERING
4561 E. McDowell Rd., Phoenix, AZ 85008
Tel(602)454-0402 Fax(602)454-0403
website: www.aztec.us

DR: DIB	CK: DJW	SHEET NO.	TOTAL SHEETS
DATE: 3-28-05			
SCALE: N.T.S		1	1

Mar 31, 2005 - 9:49am
dwilkins
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